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May 2, 2019

VIA EMAIL (Furman_NYSDChambers@nysd.uscourts.gov)

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square, Room 2202
New York, New York 10007

Re: *Maragh v. The Roosevelt Island Operating Corporation, et al.* 16-cv-7530-JMF
Ex Parte Letter Motion to Withdraw as Plaintiff's Counsel

Dear Judge Furman:

This firm represents plaintiff Othniel Maragh ("plaintiff") in the above-referenced matter. We write, pursuant to Rules 1(A), 3(A), and 7(B) of Your Honor's Individual Rules of Practice in Civil Cases to respectfully request permission to withdraw as plaintiff's counsel in this matter. We make this request, *ex parte*, pursuant to Local Rule 1.4 and the New York Rules of Professional Conduct, Rules 1.7 and 1.16. In support of our motion, we have enclosed the declaration of Keith Szczepanski.

We further respectfully request that this application be filed under seal, as it addresses communications protected under attorney-client privilege and involves an inflammatory allegation which, although untrue, should not be open for public inspection.

While the decision to unseal a document filed under seal is a matter left to the district court's discretion . . . A review of the relevant case law demonstrates that documents in support of motions to withdraw as counsel are routinely filed under seal where necessary to preserve the confidentiality of the attorney-client

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relationship between a party and its counsel, and that this method is viewed favorably by the courts.

Team Obsolete, Ltd. v. A.H.R.M.A., Ltd., 464 F. Supp. 2d 164 (E.D.N.Y. 2006) (collecting cases) (internal citations omitted). If the Court finds that a conference is necessary, we are available at the convenience of the Court on May 6, 7, and 8. However, we request that any conference be held in camera because of the above-referenced privileged communications.

Finally, we respectfully request that the mediation currently scheduled for May 9, 2019 be adjourned, *sine die*, discovery in this matter be stayed, and plaintiff be provided thirty days to either retain new counsel or to prepare to proceed *pro se*. We will communicate to counsel for defendants and the mediators assigned to this matter that we are requesting to withdraw as counsel.

We thank the Court for its attention to this matter.

Respectfully submitted,



Keith Szczepanski

Enc.

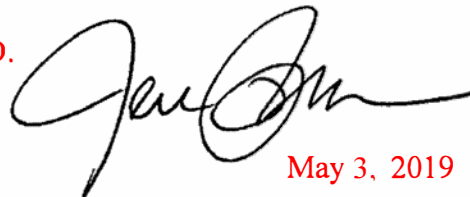
cc: Othniel Maragh (via email)

The Court sees no basis to keep this letter under seal, as it does not appear to include any confidential attorney-client communications. Moreover, motions to withdraw must be made by formal motion, not letter motion. Accordingly, the motion is denied without prejudice to renewal by formal motion no later than **May 7, 2019**. Counsel shall file the motion on ECF. To the extent that any supporting papers reference confidential communications, counsel should redact them in accordance with Paragraph 7(C) of this Court's Individual Rules and Practices; there is no basis to file any papers under seal in their entirety.

The mediation currently scheduled for May 9, 2019 and any discovery deadlines are stayed pending adjudication of the motion. Counsel should notify the mediation office and opposing counsel by **close of business today**.

In accordance with Local Rule 1.4, counsel must serve a copy of his motion on Mr. Maragh and file proof of such service. Any opposition to the motion --- by Mr. Maragh or Defendants --- shall be filed by May 17, 2019; any reply shall be filed by May 21, 2019.

SO ORDERED.



May 3, 2019